

IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF ILLINOIS

WILLIE B. BATES, III,

Petitioner,

v.

WARDEN, FCI GREENVILLE,

Respondent.

Case No. 3:24-CV-1011-NJR

**ORDER**

**ROSENSTENGEL, Chief Judge:**

Petitioner Willie B. Bates, III, an inmate of the Federal Bureau of Prisons (“BOP”) currently housed at FCI Greenville within the Southern District of Illinois, brings this habeas corpus action pursuant to 28 U.S.C. § 2241. (Doc. 1). Bates claims the BOP has improperly refused to apply his First Step Act credits toward his sentence. (*Id.*). He argues he should immediately be transferred to a residential reentry center. (*Id.*). Bates admits he has not exhausted his administrative remedies but argues that attempting to do so would be futile in this instance. (*Id.*).

This matter is now before the Court for preliminary review. Rule 4 of the Federal Rules Governing Section 2254 Cases in United States District Courts provides that upon preliminary consideration by the district judge, “[i]f it plainly appears from the petition and any attached exhibits that the petitioner is not entitled to relief in the district court, the judge must dismiss the petition and direct the clerk to notify the petitioner.” Rule 1(b) gives this Court the authority to apply the rules to other habeas corpus cases.

A petition seeking habeas corpus relief is appropriate under 28 U.S.C. § 2241 when challenging the fact or duration of a prisoner's confinement. *Preiser v. Rodriguez*, 411 U.S. 475, 490 (1973). An inmate can challenge the calculation of his sentence, including the application of time credits, in a § 2241 petition. *Setser v. United States*, 566 U.S. 231, 244 (2012).

The Court has reviewed Bates's petition and, without commenting on the merits of his claims, finds it is not plainly apparent that Bates is not entitled to relief. Accordingly, the Court **ORDERS** Respondent Warden of FCI Greenville to answer or otherwise plead on or before **June 17, 2024**. This preliminary order to respond does not preclude the Government from raising any objection or defense it may wish to present. Service upon the United States Attorney for the Southern District of Illinois, 750 Missouri Avenue, East St. Louis, Illinois, shall constitute sufficient service.

Bates is **ADVISED** of his continuing obligation to keep the Clerk of Court and the opposing party informed of any change in his whereabouts while this action is pending. This notification must be done in writing and no later than **14 days** after a transfer or other change in address occurs. Failure to provide notice may result in the dismissal of this action. *See* Fed. R. Civ. P. 41(b).

**IT IS SO ORDERED.**

**DATED: May 17, 2024**

The image shows a handwritten signature in black ink that reads "Nancy J. Rosenstengel". The signature is written in a cursive style. To the right of the signature, there is a faint circular seal of the United States District Court for the Southern District of Illinois.

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**NANCY J. ROSENSTENGEL**  
**Chief U.S. District Judge**